

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Albert S. Kelly, # 277334)	C.A. No. 4:07-2347-TLW-TER
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
Stephen Claytor,)	
M. Harden,)	
M. Williams)	
James Simmons, III,)	
)	
Defendants.)	
)	

The Plaintiff brought this *pro se* civil action against the Defendants, seeking damages under 42 U.S.C. § 1983. This matter is now before the undersigned for review of the Report and Recommendation (“the Report”) filed October 22, 2007 by United States Magistrate Judge Thomas Rogers, to whom this case had previously been assigned pursuant to 28 U.S.C. § 636(b) and Local Rule 73.02(B)(2) (D.S.C.). In his Report, Magistrate Judge Rogers recommends that the Plaintiff’s complaint be dismissed without prejudice under Federal Rule of Civil Procedure 41. Plaintiff has not objected to the Report.

This Court is charged with conducting a de novo review of any portion of the Magistrate Judge’s Report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th

Cir. 1983).

In light of this standard, the Court has carefully reviewed the Report and has concluded that the Report accurately summarizes this case and the applicable law. For the reasons articulated by the Magistrate Judge, it is hereby **ORDERED** that the Magistrate Judge's Report is **ACCEPTED** (Doc. # 8). Based on the foregoing, the Plaintiff's July 23, 2007 motion for leave to proceed *in forma pauperis* (Doc. # 2) and motion to appoint counsel (Doc. # 3) are deemed moot.

IT IS SO ORDERED.

S/ Terry L. Wooten
TERRY L. WOOTEN
UNITED STATES DISTRICT JUDGE

January 25, 2008
Florence, South Carolina